

 ORIGINAL

Approved by: Erica Solosky
ERICA SOLOSKY
Special Assistant United States Attorney

Before: THE HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

19 MJ 6962

----- -x
UNITED STATES OF AMERICA : MISDEMEANOR
: COMPLAINT
:
:
-v- : Violation of
: 18 U.S.C. 111
DENNIS L. HEMMINGWAY :
:
Defendant : COUNTY OF OFFENSE:
: WESTCHESTER
:
----- -x

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY LUCIANO, being duly sworn, deposes and says that he is a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York, and charges as follows:

COUNT ONE

On or about March 4, 2019, at the Montrose Veterans Administration Hospital, Montrose, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, DENNIS L. HEMMINGWAY, the defendant, resisted, opposed, impeded and interfered with an official government employee engaged in the performance of official duties on Montrose Veterans Administration Hospital property, to-wit, defendant was combative, resisted verbal commands and used vulgar language towards officers at the scene while trying to calm the defendant down.

(Title 18, United States Code, Section 11)

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about March 4, 2019, at approximately 08:36 p.m., VA Police were called to Urgent Care for a highly intoxicated disgruntled veteran. Upon arrival, Officer Lash, and Officer Martin arrived and met with MAA Catalano, who indicated that the defendant had entered Urgent Care and seemed highly intoxicated. Catalano stated that the defendant was cursing and walked aggressively toward an EMS worker and attempted to enter the Urgent Care front office desk area.
3. While the officers were speaking with MAA Catalano, Nurse supervisor, Tonye Opusunju, attempted to get an assessment of the defendant. The defendant stood up and aggressively moved toward Opusunju and tried pushing his way through VA Police. PO Martin and Lash escorted the defendant to the waiting room chairs. The defendant continued to use vulgar language and refused to follow commands and became combative. After multiple attempts to calm the defendant, the defendant stated he wanted to fight and tried to grab a hold of PO Martins army and duty belt multiple times. While the officers attempted to use a soft arm take down, the defendant tripped over PO Martins foot and hit his head on the ground causing a laceration to his left eye-brow.
4. The defendant was then placed into handcuffs and placed back in the chair. The defendant continued to try and kick the officers and continued to ignore verbal commands. A code green was called, and medical staff responded to look at the defendant's laceration. The defendant continued to be disorientated and uncooperative and continued to try and kick VA police. Temporary bandages were applied to the defendant's laceration and he became very compliant and apologetic.
5. The defendant was placed on a medical bed and was transferred to Urgent Care medical room where he received medical treatment and was transferred to the Castle Point facility for continued care.
6. The defendant was issued one District Court Violation Notice for Assaulting, resisting or Impeding Certain Officers or Employees (DCVN Number 6437584/SY53).
7. The defendant was released on his own recognizance.

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.

A handwritten signature in dark ink, appearing to be 'AL' with a large loop, positioned above a horizontal line.

ANTHONY LUCIANO
Veterans Administration Police Service

Sworn to before me this
26th day of July, 2019

A handwritten signature in dark ink, appearing to be 'MG' with a large loop, positioned above a horizontal line.

HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York